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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,993	03/01/2002	Diethard Trenz	TRG-303	5710

7590  
Lorusso & Loud  
440 Commercial Street  
Boston, MA 02109

03/12/2003

EXAMINER

TILL, TERRENCE R

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 03/12/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/069,993

Applicant(s)

TRENZ ET AL.

Examiner

Terrence R. Till

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 32-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-46 is/are allowed.
- 6) ☒ Claim(s) 47, 48, 50, 53, 54, 56-59, 61, 64, 65, 70, 78 and 79 is/are rejected.
- 7) ☒ Claim(s) 49, 51, 52, 55, 60, 62, 63, 66-69 and 71-77 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. Claim 54 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. Claim 54 depends on itself.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 47, 48, 50, 53, 54, 57 and 58 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Federico et al.
5. Claim 70 is rejected under 35 U.S.C. 102(e) as being anticipated by Tubman.
6. Tubman discloses all the recited subject matter of a toilet brush 12 with a brush head holder 16. The brush being detachably mounted to the brush head holder under friction closure, wherein the brush head comprises bristles (figure 3) arranged in a receiving sleeve 24, the receiving sleeve mounted in a brush head holder.

*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 49, 56, 59, 61, 64 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Federico et al.

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11. With respect to claim 49, Federico et al. disclose the claimed invention except for the bend comprising an angle of 155°, or 25° (its adjacent angle). Rather Federico et al. disclose an angle of 15°, or 165° (adjacent angle). It would have been an obvious matter of design choice to modify the bend of Federico to comprise an angle of 155° (go from 15° to 25°), since applicant has not disclosed that an angle of 155° is critical over Federico et al. Federico et al. with their bent toilet cleaner is for the same purposes as applicants and it appears that the invention would perform equally well with an angle of 165° (15° as disclosed in Federico et al.). With respect to claim 56, Federico et al. disclose the claimed invention except for the brush head being made of soluble paper, not plastic. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the brush head of Federico et al. to be made of soluble plastic, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416. With respect to claim 59, Federico et al. disclose that the entire tool, save the actuating rod 4 is assembled from a smooth plastic. By virtue of Federico et al. stating that the device is assembled. It would have been obvious to a person skilled in the art at the time the invention was made to cement the several parts of the device of Federico et al. together as using cement to glue plastic is well known in the art. An Official Notice is taken.

12. Claims 78 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tubman in view of Federico.

13. The patent to Tubman does not disclose the brush head being impregnated with at least one agent. The patent to Federico et al. discloses the cleaning head being impregnated with

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cleaning agents, deodorants etc. (column 3, lines 35-42). It would have been obvious to a person skilled in the art at the time the invention was made to provide a cleaning agent to impregnate the bristles of Tubman in view of the teaching of Federico et al. in order for a user to conveniently to use the brush of Tubman without needing a separate cleaning agent.

***Allowable Subject Matter***

14. Claims 51, 52, 55, 60, 62, 63, 66-69 and 71-77 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. Claims 32-46 are allowed.

16. The following is an examiner's statement of reasons for allowance: With respect to claim 32, the prior art does not disclose nor render obvious the claimed combination of a toilet brush including a brush head holder with a handle, a brush head being detachably mounted to the brush head holder under friction closure, an ejection mechanism comprising a sleeve-shaped ejection mechanism movable along the brush holder and an actuator element movably arranged on the handle and a motion transfer element between the actuator element and the sleeve-shaped ejection mechanism wherein the motion transfer element extends in the interior of the handle.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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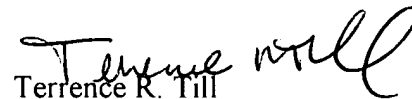
*Conclusion*

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Adams, Beck, Hagelberg, Wenger et al., Egolf et al., Hart, Lathan, Weihrauch and Japanese patent to Lion Corp. show the current state of the art in toilet cleaners.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrence R. Till whose telephone number is (703) 308-1592. The examiner can normally be reached on Mon. through Thurs. and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
Terrence R. Till  
Primary Examiner  
Art Unit 1744

trt  
March 7, 2003